

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2272

Introduced by Assembly Member Wagner

February 24, 2012

An act to amend Section 798.88 of the Civil Code, and to amend Section 85 of the Code of Civil Procedure, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2272, as amended, Wagner. Mobilehomes: injunctions.

The Mobilehome Residency Law governs tenancies in mobilehome parks, and imposes various duties on the owners of mobilehome parks and the agents and representatives authorized to act on behalf of the owners. Existing law permits the management of a mobilehome park to seek specified injunctive relief for the violation of a reasonable rule or regulation. Existing law treats certain actions as limited civil cases.

This bill would permit the management to file a petition for an order to enjoin these violations within the limited jurisdiction of the superior court ~~located in the judicial district for~~ of the county in which the mobilehome community is located. This bill would also treat the actions for injunctive relief described above as limited civil cases.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.88 of the Civil Code is amended to
2 read:

1 798.88. (a) In addition to any right under Article 6
2 (commencing with Section 798.55) to terminate the tenancy of a
3 homeowner, any person in violation of a reasonable rule or
4 regulation of a mobilehome park may be enjoined from the
5 violation as provided in this section.

6 (b) A petition for an order enjoining a continuing or recurring
7 violation of any reasonable rule or regulation of a mobilehome
8 park may be filed by the management thereof within the limited
9 jurisdiction of the superior court ~~located in the judicial district for~~
10 ~~of~~ the county in which the mobilehome park is located. At the time
11 of filing the petition, the petitioner may obtain a temporary
12 restraining order in accordance with subdivision (a) of Section 527
13 of the Code of Civil Procedure. A temporary order restraining the
14 violation may be granted, with notice, upon the petitioner's
15 affidavit showing to the satisfaction of the court reasonable proof
16 of a continuing or recurring violation of a rule or regulation of the
17 mobilehome park by the named homeowner or resident and that
18 great or irreparable harm would result to the management or other
19 homeowners or residents of the park from continuance or
20 recurrence of the violation.

21 (c) A temporary restraining order granted pursuant to this
22 subdivision shall be personally served upon the respondent
23 homeowner or resident with the petition for injunction and notice
24 of hearing thereon. The restraining order shall remain in effect for
25 a period not to exceed 15 days, except as modified or sooner
26 terminated by the court.

27 (d) Within 15 days of filing the petition for an injunction, a
28 hearing shall be held thereon. If the court, by clear and convincing
29 evidence, finds the existence of a continuing or recurring violation
30 of a reasonable rule or regulation of the mobilehome park, the
31 court shall issue an injunction prohibiting the violation. The
32 duration of the injunction shall not exceed three years.

33 (e) However, not more than three months prior to the expiration
34 of an injunction issued pursuant to this section, the management
35 of the mobilehome park may petition under this section for a new
36 injunction where there has been recurring or continuous violation
37 of the injunction or there is a threat of future violation of the
38 mobilehome park's rules upon termination of the injunction.

39 (f) Nothing shall preclude a party to an action under this section
40 from appearing through legal counsel or in propria persona.

(g) The remedy provided by this section is nonexclusive and nothing in this section shall be construed to preclude or limit any rights the management of a mobilehome park may have to terminate a tenancy.

SEC. 2. Section 85 of the Code of Civil Procedure is amended to read:

85. An action or special proceeding shall be treated as a limited civil case if all of the following conditions are satisfied, and, notwithstanding any statute that classifies an action or special proceeding as a limited civil case, an action or special proceeding shall not be treated as a limited civil case unless all of the following conditions are satisfied:

(a) The amount in controversy does not exceed twenty-five thousand dollars (\$25,000). As used in this section, “amount in controversy” means the amount of the demand, or the recovery sought, or the value of the property, or the amount of the lien, that is in controversy in the action, exclusive of attorneys’ fees, interest, and costs.

(b) The relief sought is a type that may be granted in a limited civil case.

(c) The relief sought, whether in the complaint, a cross-complaint, or otherwise, is exclusively of a type described in one or more statutes that classify an action or special proceeding as a limited civil case or that provide that an action or special proceeding is within the original jurisdiction of the municipal court, including, but not limited to, the following provisions:

(1) Section 798.61 or 798.88 of the Civil Code.

(2) Section 1719 of the Civil Code.

(3) Section 3342.5 of the Civil Code.

(4) Section 86.

(5) Section 86.1.

(6) Section 1710.20.

(7) Section 7581 of the Food and Agricultural Code.

(8) Section 12647 of the Food and Agricultural Code.

(9) Section 27601 of the Food and Agricultural Code.

(10) Section 31503 of the Food and Agricultural Code.

(11) Section 31621 of the Food and Agricultural Code.

(12) Section 52514 of the Food and Agricultural Code.

(13) Section 53564 of the Food and Agricultural Code.

(14) Section 53069.4 of the Government Code.

- 1 (15) Section 53075.6 of the Government Code.
- 2 (16) Section 53075.61 of the Government Code.
- 3 (17) Section 5411.5 of the Public Utilities Code.
- 4 (18) Section 9872.1 of the Vehicle Code.
- 5 (19) Section 10751 of the Vehicle Code.
- 6 (20) Section 14607.6 of the Vehicle Code.
- 7 (21) Section 40230 of the Vehicle Code.
- 8 (22) Section 40256 of the Vehicle Code.

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